IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8971 of 2005

Between:

Dodda Subba Rao, S/o. Sambaiah,
M.I. Tank, Chandrapadu, Chimakurthy Mandal, Prakasam District.

..... PETITIONER

AND

1 The District Collector, Ongole, Prakasam District.
2 The R.D.O., Ongole, Prakasam District.
3 The M.R.O. Chimakurthy Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of MANDAMUS A) to declare the enrollment of 44 persons in violation of the rules and in not passing any orders in the appeal filed by the petitioner herein as illegal, arbitrary, unconstitutional, unfair, without any power or authority or jurisdiction and against the principles of natural justice and consequently direct the respondents to pass orders in the appeal filed by the petitioner forthwith and pending the said appeal the 44 persons against whose inclusion the petitioner filed the appeal shall not be permitted to participate in the elections or no election shall be conducted to the Chandrapadu M.I. Tank water users association pending disposal of the appeal B) further direct the 1st respondent to conduct enquiry against the 3rd respondent and take appropriate action according to law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.T.RAJENDRA PRASAD

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court, at the stage of admission, made the following :

ORDER:

The case of the petitioner is that the 2nd respondent refused to receive the appeal filed against inclusion of 44 persons in the votes list contrary to the rules, who alleged to have purchased the lands under registered sale deeds only on 28.03.2005, which is the last date for filing objections to the notification in Form-D published on 21.03.2005. It is stated that the persons whose names were included in the voters list are not having any lands within the area of Chandrapadu M.I. Tank and they are not landholders as on the date of notification. It is further stated that when the

2nd respondent refused to receive the appeal, the petitioner sent the appeal along with an application for interim stay to the

2nd respondent through registered post and also sent a copy of the same to the 1st respondent. The main grievance of the petitioner is that no action has been taken by the respondents on the appeal filed by him till date.

Learned Government Pleader for Irrigation submitted that against the inclusion or deletion of the persons in the voters list, an appeal is provided to the District Collector under Rule 10 of Andhra Pradesh Farmers' Management of Irrigation Systems (Delineation and Formation of Water Users Association) Rules, 2003. It is further stated that as per Rule 10, the District Collector has to dispose of the appeal within one week from the date of receipt of the same.

Having regard to the facts and circumstances of the case and keeping in view the Rule 10 of the above said Rules, I deem it appropriate to dispose of the writ petition directing the

1st respondent-District Collector to dispose of the appeal stated to have been filed

by the petitioner within one week from today.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

20.01.2005

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To

1 The District Collector, Ongole, Prakasam District.
2 The R.D.O., Ongole, Prakasam District.
3 The M.R.O. Chimakurthy Mandal, Prakasam District.

4 2 CCs to the Government Pleader for Irrigation, High Court of A.P., Hyderabad.

5 2 CD copies.